

2/15/17

Treoil Industries - Meeting w/ Washington Department of Ecology NWRO

Attendees

Raman Iyer – Manager, DOE Hazardous Waste & Toxics Reduction Program

Susan Dier – DOE Hazardous Waste & Toxics Reduction Program

Mindy Collins – DOE Hazardous Waste & Toxics Reduction Program

Stephanie Barney – DOE Water Quality Program

Bill Angel – Whatcom County Health Department

Brooks Stanfield – EPA

Jeff Fowlow – EPA

Status of Ecology's enforcement authority

The property owner/representative – Jagroop S. (Jay) Gill – has been battling with Ecology's Hazardous Waste & Toxics Reduction Program for several years over the designation and proper disposal of various waste products on site. While it is believed that significant amounts of miscellaneous hazardous chemicals have been removed from the property since 2014 an ongoing concern for Ecology is the continued presence of Tall Oil ~~in~~ both in tanks and that has been released into the environment. In spite of laboratory testing that has confirmed it to be a Dangerous Waste under State regulations, Mr. Gill has repeatedly denied that the Tall Oil is harmful to plants and wildlife. Mr. Gill has used every appeal option available in the enforcement process and Ecology says the opportunities afforded to Mr. Gill to cooperate "are too numerous to count." Mr. Gill was given another month extension to meet the final deadline because he reported experiencing poor health, however as a condition of granting this extension Ecology requested access to the site by the end of February, 2017 to get an updated account of site conditions, which are believed to be deteriorating. Next steps in the enforcement proceedings if Mr. Gill fails to comply will be to consider issuing penalties and potentially pursuing judicial actions to ~~to~~ compel compliance with the order.

Commented [DS(1): I don't know if our stick is that big—
wishful thinking, though.

The site has been inactive for at least a decade and has been for sale for many years. The Campbell Land Corporation (CLC), which is recorded as having title to the property was dissolved in 2016 in the State of Nevada where it was registered. The CLC is also at least two years delinquent on property taxes. EPA enforcement staff believe that if taxes aren't paid this coming spring, the property will be subject to foreclosure by Whatcom County. There is information that a new party, Linda Lawrence, is leasing the property for some kind of "eco recovery park/bioremediation project ~~?~~[?]" however it's not believed that this has led to any changes at the site. Mr. Gill lives in British Columbia, Canada and is reportedly experiencing financial difficulties in addition to the health difficulties previously mentioned.

Ecology's Water Quality program also began issuing an administrative order to compel compliance with the requirements of the Industrial Stormwater General Permit (ISGP) that Mr. Gill established circa 2006. The WQ program went through a significant battle to bring him under coverage of the ISGP in the first place but states that Mr. Gill has never complied with any of the requirements of that ISGP (including Discharge Monitoring Reports, a SWPPP, or a drainage map) although he has discharged industrial stormwater to an adjacent wetland, which are considered waters of the state. Mapping the drainage of this wetland is of great concern because it appears to be contiguous with the drainage ditch that flows to the Georgia Strait.

Ecology's WQ program made a strategic decision not to pursue additional enforcement through the WQ program because they thought it would make it that much more confusing and thus difficult to get Mr. Gill to focus on and comply with the HWTR program order. They do not anticipate that the WQ enforcement tools will compel any more action than the HWTR program has experienced.

Ecology Toxic Cleanup Program has ranked the site a 2 out of 5 (with 1 being the greatest level of concern). Ecology's response authorities are limited when contamination is not actively leaving the site.

TCP remedial action options?

Commented [DS(2): You can contact Donna Musa, TCP Bellevue, (425) 649-7136.

Site status

No inspectors from any level of government have been on the site since 2015. At that time, Whatcom County inspectors noted that Mr. Gill was pumping oil and water untreated onto the ground and into the wetland. The whole area was significantly coated with the same Tall Oil that had been established as a Dangerous Waste, however Mr. Gill was continuing to deny that it was harmful and shouldn't be discharged as a waste water or used as a dust suppressant.

During Ecology's last visit, in addition to the visible oil floating in secondary containment around the largest tanks, Ecology observed that tanks were rusting and there were holes seen in the tanks that were suspected to be bullet holes. The individual reportedly leasing the property says the tall oil is now limited to just one 400,000-gallon steel tank. There was some talk of wanting to emulsify (presumably very viscous) the product so it can be removed from the tank. There was also a separate estimate of associated product present on site that was provided which included:

- Liquid rosin – 200 tons
- Solid rosin – 30 tons
- Pine oil – 80 tons
- Glycerin – 30 tons

There are still numerous sumps that are not known to be plumbed, that are clogged with debris, are discharging product from overflowing at their tops and are producing a sheen on the ground around them. Mr. Gill states that he does not know where they go.

Even with the above estimate of product and statements provided on the limited number of tanks containing product, we still don't have a reliable understanding of what amounts and what type of product may be in the larger tanks.

Threat to waters of the US

There have been two confirmed spills from the facility to the ditch. The first one of "pine oils" in 1989 during start-up operations. It was learned during the response to this spill that the facility was planning on discharging non-contact cooling water to the ditch without an NPDES permit. A permit was applied for during that time period but never granted.

A spill in October of 1991 was reported by ARCO facility operators (currently BP Cherry Point) after observing it in the ditch along Aldergrove Road. The spill was caused by a valve left open on a wastewater tank "which allowed wastewater to flow across the facility grounds into two separate settling ponds then into a ditch which led from the ponds to the ditch along Aldergrove Road...." State officials estimated that 1,000 gallons were spilled during this incident and which made it as far as 100 yards down Gulf Road from Aldergrove Road before being intercepted.

Among the concerns documented in Ecology's penalty letter were: the lack of notification, owners showing a disregard for the potential impacts of the tall oil, responsible parties potentially providing false information to regulators about the contents of the discharge, inadequate cleanup procedures taken, and failing to provide information documenting actions to be taken to prevent a recurrence in the future.

Current concerns are that regular discharges to the wetlands near the southwest corner of the property can migrate into the drainage ditch that flows west along Aldergrove Road. Additional concerns are related to general conditions and care of tanks and secondary containment and the general disregard for the potential risks posed by the oil on the part of the owner and what management activities may result from that disregard.